

Message

From: Eisenberg, Mindy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]
Sent: 10/11/2019 12:53:34 PM
To: Hurlid, Kathy [Hurlid.Kathy@epa.gov]
Subject: RE: request for weekly updates - 404(g)

Thanks!

Mindy Eisenberg
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From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Thursday, October 10, 2019 2:26 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: FW: request for weekly updates - 404(g)

I did not receive any additional inputs to my message below; However, I have a few updates to AZ and the controls I added below in Blue.

From: Hurlid, Kathy
Sent: Tuesday, October 08, 2019 2:41 PM
To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Warren, Nicholas <Warren.Nicholas@usepa.onmicrosoft.com>; Beck, Whitney <beck.whitney@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Kasperek, Lauren <kasperek.lauren@epa.gov>
Subject: request for weekly updates

Hi,

Since we did not meet this week, I'm asking that you send me any updates for the weekly beyond what I have below:

404(g) rule

- Options selection 2 meeting has been postponed until late January. Will resubmit meeting request. Staff crafting options for remaining issues.

State efforts:

- AZ – meeting last week between ADEQ and R9 (Tomas) was postponed as key R9 attendee had a family emergency
 - 10/9/19 R9 meeting with the state on their annual PPG schedule per CWA 106.
 - * ADEQ will notify EPA of go/no go decision after review of public comments on road map. (Trevor by end of November) If the State proceeds, ADEQ will work with EPA to

identify program submittal materials and timing to be shared with EPA in advance of formal submittal.

- EPA lead for upcoming 404 session at Tribal conference on 10/23 @ 2:05 – 3:05pm to discuss the State Arizona's plans for Section 404 assumption. EPA is developing session details and ADEQ will participate in support.
- Still awaiting new timeline from AZ.
- OWOW, OGC, OITA, and R9 staff held a call to discuss any obligations states may have to coordinate with other countries.
 - In AZ there are three major rivers and several tributaries that flow into Mexico from AZ (only the Colorado is being considered to be retained by the Corps). This will be an issue for MN and WI also.
 - R9 is checking with USACE and IBWC
- MD – 10/8/19 meeting between MD and R3 staff regarding proposed statutory changes to enable the state to assume the program.
- MN, OR, ~~NE~~, IN, WI – no updates
- NE – EPA HQ and R7 staff have been coordinating with NE regarding use of EPA grants to help develop 404(g) program. R7 staff are working with the state on their PPG under 106 to look at funding development and implementation of a program. We have informed the state that they are eligible for WPDGs (which can only be used for development). R7 does bi-annual solicitations – this is an effort to reduce burden on the grantees as well as the agency.
 - The Nebraska Game and Park Commission and the University of NE have been getting WPDG regularly with the last being granted in 2017.
 - Next cycle is scheduled for January/February 2021.
 - Regional staff lead – Eliodora Chamberlin and manager is Jaime Gaggero.
- FL – FL cancelled bi-weekly meeting as they had no updates or issues to discuss; awaiting resolution of ESA to finalize proposed rule for comment.

Outstanding actions:

- OWOW and OGC staff will reach out to OITA to discuss any obligations states may have, or EPA may have on behalf of the state/tribe, to coordinate with Canada or Mexico if a jurisdictional waters crosses the boarder. (e.g., three major rivers in AZ plus their tribs, and many waters in MN and WI)
- ESA – Response to FL inquiry regarding reversing EPA position regarding ESA section 7 consultation on program approvals
- Meeting requests
 - Meeting request for briefing on delayed implementation question raised by FL. – awaiting OW scheduling
 - Meeting request to meet with Ryan Fisher on Retained Waters – awaiting OW scheduling
- Correspondence
 - AX-19-000-7727-WH – from State Representative Overdorf to President; for AA signature; Status: sent to OW
 - AX-20-000-0102 – From The Fertilizer Institute to Administrator; for AA signature; under development. Due: 10/18/19
 - AX-20-000-0105 – From FL Manufacturers to Administrator; for AA signature; under development. Due: 10/21/19
 - AX-20-000-0012 – From The Fertilizer Institute to Administrator; for AA signature; under development. Due: 10/18/19
 - AX-20-000-0158 – From FL Home Builders Association to Administrator; for AA signature; under development. Due: 10/22/19
 - AX-20-000-0093 – From FL Electric Power Coordinating Group to Administrator; for AA signature; under development. Due: 10/18/19
 - AX-20-000-0078 – From Association of FL Community Developers inc., to Administrator; for AA signature; under development. Due: 10/17/19

- AX-19-000-8627 - from State Representative Overdorf to EPA Administrator; for AA signature; Status: Awaiting comments from OGC and R4; due 10/16/19
- AX-20-000-0230 – From Associated Industries of FL, to Administrator; for AA signature; under development. Due: 10/24/19
- Anticipate a letter from Cattleman's Association – EPA staff asked about this on Ag tour during ACWA Ag subcommittee tour in AR this week.

Kathy Hurlb

Clean Water Act 404(g) – U.S. EPA Lead

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